

Notice of Allowability	Application No.	Applicant(s)	
	10/824,968	GARTHWAITE, ALEXANDER T.	
	Examiner	Art Unit	
	RAHEEM HOFFLER	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/7/2009.
2. ☒ The allowed claim(s) is/are 41-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>5/28/2009</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Robert P. Lord on 5/28/2009.

3. The application has been amended as follows:

At Claim 49, line 1, please insert

--A computer readable storage medium...

AMENDMENTS TO THE SPECIFICATION

4. Please amend the originally-filed specification as follows.

On page 4, please replace the paragraph beginning at line 27 with the following paragraph:

Garbage-collection mechanisms can be implemented by various parts and levels of a computing system. One approach is simply to provide them as part of a batch compiler's output. Consider Fig. 2's simple batch-compiler operation, for example. A

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computer system executes in accordance with compiler object code and therefore acts as a compiler 20. The compiler object code is typically stored on a medium such as Fig. 1's system disk 17 or some other machine-readable medium, and it is loaded into RAM 14 to configure the computer system to act as a compiler. In some cases, though, the compilers object code's persistent storage may instead be provided in a server system remote from the machine that performs the compiling. ~~The electrical signals that carry the digital data by which the computer systems exchange that code are examples of the kinds of electromagnetic signals by which the computer instructions can be communicated. Others are radio waves, microwaves, and both visible and invisible light.~~

On page 6, please replace the paragraph beginning at line 7 with the following paragraph: -- Most typically, the class files' byte-code routines are executed by a processor under control of a virtual-machine process 27. That process emulates a virtual machine from whose instruction set the byte codes are drawn. As is true of the compiler 23, the virtual-machine process 27 may be specified by code stored on a local disk or some other machine-readable medium from which it is read into Fig. 1's RAM 14 to configure the computer system to implement the garbage collector and otherwise act as a virtual machine. Again, though, that code's persistent storage may instead be provided by a server system remote from the processor that implements the virtual machine, ~~in which case the code would be transmitted electrically or optically to the virtual machine implementing processor.~~

Examiner Remarks

5. As discussed within the telephone conversation on 5/28/2009, Attorney Lord clearly disavows the deleted subject matter filed in the Specification amendment filed on 4/7/2009. Therefore, the “computer readable medium” includes only statutory physical storage devices under 35 USC 101.

Allowable Subject Matter

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.

Claims 1-11 are allowed.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:
Prior art of record does not render obvious, nor anticipate the combination of claimed elements including the technique of *“storing the plurality of different versions of the electronic document, wherein each different version of the electronic document has a defined structure and comprises source code, wherein the plurality of different versions comprises at least three different versions; determining a plurality of deltas between each of the plurality of different versions; selecting a target delta from the plurality of deltas; semantically processing the plurality of different versions of the electronic*

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document and determining relationships between individual ones of the plurality of deltas according to the defined structure of each different version of the electronic document by determining a classification of each of the plurality of deltas as a prerequisite delta or a dependent delta in relation to the target delta, thereby indicating dependencies between individual ones of the plurality of deltas and indicating an order in which individual ones of the plurality of deltas are to be applied to one of the plurality of different versions of the electronic document selected as a baseline electronic document in creating a merged electronic document; for each of the plurality of deltas, selectively applying the delta to the baseline electronic document or rejecting the delta according to the classification of the delta in relation to the target delta to create the merged electronic document, wherein deltas selected for application to the baseline electronic document are applied in an order determined according to the dependencies between the deltas; and storing the merged electronic document” as recited in claim 1.

Thus, Claim 1 is allowed. Dependent claims 2-11 are allowed at least by virtue of their dependencies from Claim 1.

The primary reason for the allowance of the claims in this case is the inclusion of “...storing the plurality of different versions of the electronic document, wherein each different version of the electronic document has a defined structure and comprises source code, wherein the plurality of different versions comprises at least three different versions; and for each of the plurality of deltas, selectively applying the delta to the baseline electronic document or rejecting the delta according to the classification of the delta in relation to the target delta to create the merged electronic document, wherein

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deltas selected for application to the baseline electronic document are applied in an order determined according to the dependencies between the deltas;" which is not found in the prior art of records.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAHEEM HOFFLER whose telephone number is (571)270-1036. The examiner can normally be reached on 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./

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/Neveen Abel-Jalil/

Supervisory Patent Examiner, Art Unit 2165